

Message

From: Kupchan, Simma [Kupchan.Simma@epa.gov]
Sent: 10/18/2018 6:04:10 PM
To: Palmer, Leif [Palmer.Leif@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]; Wade, Alexis [Wade.Alexis@epa.gov]
CC: Ghosh, Mita [Ghosh.Mita@epa.gov]
Subject: RE: FL Assumption Qs

Hi Leif,

To follow up on your questions, David is prepared to send the draft MOAs to FL once he takes another look at them, without waiting for the 5-way process to be completed.

FDEP is aware of the 5 way process, but David wants to wait a little while before including them in the calls.

Thanks,

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Palmer, Leif
Sent: Wednesday, October 17, 2018 10:41 AM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: FL Assumption Qs

Thanks Simma – please let Matt & David know that Trey was asking about this and that our (ORC) message is that we are staying with the coordinated communication strategy (i.e., at the direction of OGC and OW). I think Trey's interest was piqued since he is in Tallahassee meeting about Hurricane Michael. Trey may want to have a call with Matt, Fotouhi and Ross.

Am I correct in remembering that the plan is to provide a draft of the 5-way MOU to DOI this week and that after we work the ESA issue with them to include the Corps & FDEP?

Is FDEP aware of the 5-way MOA?

From: Hicks, Matt
Sent: Wednesday, October 17, 2018 10:25 AM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>
Cc: Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: RE: FL Assumption Qs

Thanks Simma. I'm not sure if Leif wants us to raise this with Matt and David. I'm copying Leif and Mita for awareness and so that Leif can directly respond to your question.

I'm going to be out of pocket from 10:30 until 1:00 but can be reached on my cell at Ex. 6 Personal Privacy (PP) if anyone needs me.

Thanks,

Matt

From: Kupchan, Simma

Sent: Wednesday, October 17, 2018 10:14 AM

To: Hicks, Matt <Hicks.Matthew@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>

Subject: RE: FL Assumption Qs

Matt,

We have slightly updated MOAs that include the language you ask about in #2 but Matt and David

Ex. 5 Deliberative Process (DP)

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Should we re-raise with Matt and David at our weekly tomorrow? Anything we should say?

Simma Kupchan
EPA Office of General Counsel
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WJC North Building # 7426Q
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From: Hicks, Matt

Sent: Tuesday, October 16, 2018 11:27 PM

To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>

Subject: FL Assumption Qs

Simma and Alexis,

Leif spoke with Trey today and had some questions that I wanted to ask you both:

1. EPA/DEP MOA
 - a. Has OGC made any changes to the most recent version of the EPA/DEP MOA that we negotiated with DEP in September? I believe it was the 9-18-18 version DEP shared with Larry Williams with FWS but I'll check with Rosemary in the morning.
 - b. If so, has DEP seen those changes?
 - c. If DEP hasn't seen those changes, what would be the process for getting those to DEP asap?

2. Corps/DEP MOA

a.

Ex. 5 Deliberative Process (DP)

b.

Thanks,

Matt